

Amendment No. 2 to SB2949

Watson
Signature of Sponsor

AMEND Senate Bill No. 2949

House Bill No. 2862*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-231(a), is amended by deleting subdivision (2) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-233(a), is amended by adding the following language as a new subdivision thereto, as follows:

() Air pollution control board, created by § 68-201-104;

SECTION 3. Tennessee Code Annotated, Section 68-201-104, is amended by deleting subdivision (b)(1) in its entirety and by substituting instead the following:

(b) (1) The members of the board shall be the commissioner of environment and conservation, the commissioner of economic and community development, and twelve (12) other members who shall be appointed by the governor, as follows:

(A) One (1) shall be a registered professional engineer as defined in title 62, chapter 2, who shall have at least five (5) years' experience in the field of air pollution control;

(B) One (1) shall be a physician, licensed in compliance with title 63, chapter 6, who shall be experienced in the health effects of air contaminants;

(C) One (1) shall be engaged in a field which is directly related to agriculture or conservation;

(D) One (1) shall be actively engaged in the management of a private manufacturing concern, who may be appointed from a list of three (3) persons nominated by the Tennessee Association of Business;

(E) One (1) shall be a county mayor or chief executive officer of a Tennessee county, who may be appointed from a list of three (3) persons nominated by the Tennessee county services association;

(F) One (1) shall be engaged in municipal government, who may be appointed from a list of three (3) persons nominated by the Tennessee Municipal League;

(G) Two (2) shall be from Tennessee industry having technical training and experience in air pollution abatement, who may be appointed from a list of three (3) persons nominated by the Tennessee Association of Business;

(H) One (1) shall be involved in the program of an institute of higher learning in the state involved in the conducting of training in air pollution evaluation and control;

(I) One (1) shall be engaged in a field which is directly related to conservation concerns, who may be appointed from a list of nominees submitted to the governor by the Tennessee Conservation League;

(J) One (1) shall be a small generator of air pollution and may be appointed from a list of three (3) persons nominated by the Tennessee Automotive Association;

(K) One (1) shall be engaged in a field which is directly related to environmental concerns, who may be appointed from a list of three (3) persons nominated by the Tennessee environmental council; and

SECTION 4. Tennessee Code Annotated, Section 68-201-104(b), is amended by adding the following new language immediately preceding subdivision (2) and by redesignating present subdivision (2) accordingly:

(2) Notwithstanding the provisions of § 3-6-304 or any other law to the contrary, and in addition to all other requirements for membership on the board:

(A) Any person registered as a lobbyist pursuant to the registration requirements of title 3, chapter 6 who is subsequently appointed or otherwise

named as a member of the board shall terminate all employment and business association as a lobbyist with any entity whose business endeavors or professional activities are regulated by the board, prior to serving as a member of the board. The provisions of this subdivision (2)(A) shall apply to all persons appointed or otherwise named to the board after July 1, 2010;

(B) No person who is a member of the board shall be permitted to register or otherwise serve as a lobbyist pursuant to title 3, chapter 6 for any entity whose business endeavors or professional activities are regulated by the board during such person's period of service as a member of the board. The provisions of this subdivision (2)(B) shall apply to all persons appointed or otherwise named to the board after July 1, 2010, and to all persons serving on the board on such date who are not registered as lobbyists; and

(C) No person who serves as a member of the board shall be employed as a lobbyist by any entity whose business endeavors or professional activities are regulated by the board for one (1) year following the date such person's service on the board ends. The provisions of this subdivision (2)(C) shall apply to persons serving on the board as of July 1, 2010 and to persons appointed to the board subsequent to such date.

(3) A person who violates the provisions of subdivision (2) shall be subject to the penalties prescribed in title 3, chapter 6. The bureau of ethics and campaign finance is authorized to promulgate rules and regulations to effectuate the purposes of this subdivision (2). All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and in accordance with the procedure for initiating and proposing rules by the ethics commission to the bureau of ethics and campaign finance as prescribed in § 4-55-103.

(4) In addition to all other requirements for membership on the board, all persons appointed or otherwise named to serve as members of the board after July 1, 2010, shall be residents of this state.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.